

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIAM ALEXANDER,

Plaintiff,

-against-

BRC, et al.,

Defendants.

23-CV-0218 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

This action, filed by Sean Finnegan (“Finnegan”) in the name of Liam Alexander (“Alexander”), is the fourth such action the court has received from Finnegan, who is barred from proceeding *in forma pauperis* (“IFP”) in this court. *See Finnegan v. Dist. of Columbia Sup. Ct.*, ECF 1:21-CV-10946, 6 (S.D.N.Y. Feb. 7, 2022). In this new action, Finnegan filed an IFP application, listing Alexander as the plaintiff. As set forth below, the Court dismisses this action under the bar order issued in 21-CV-10946 (the “Finnegan bar order”).

DISCUSSION

In *Alexander v. NYPD*, No. 22-CV-4610 (LTS) (S.D.N.Y. Aug. 24, 2022), the Court issued an order finding that Finnegan, in an apparent attempt to avoid the Finnegan bar order, brought the action in Alexander’s name and directed Alexander to show cause, within 30 days, why the action should not be dismissed under the Finnegan bar order. That order was returned to the court as undeliverable, and Finnegan never responded to the order. On August 24, 2022, the Court dismissed that action without prejudice. ECF 1:22-CV-4610, 5.

In *Alexander v. Dep't of Homeless Servs.*, ECF 1:22-CV-10160, 3 (S.D.N.Y. Dec. 9, 2022), after finding that Finnegan brought the action in Alexander's name,¹ the Court provided Finnegan 14 days to challenge the Court's conclusion that he brought that action. Finnegan did not respond to that order.

Here, Finnegan has again filed an action in Alexander's name. Accordingly, the Court dismisses the action under the Finnegan bar order.

CONCLUSION

The Court concludes that Sean Finnegan, who is barred from bringing a new action IFP without leave of Court, has brought this action in the name of Liam Alexander and has sought leave to proceed IFP in Alexander's name. Because Finnegan did not comply with the prefiling injunction, the Court dismisses this action without prejudice under the Finnegan bar order.

Finnegan, ECF 1:21-CV-10946, 6.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: January 13, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ The Court compared addresses, handwriting, and claims to determine that Finnegan filed the action, not Alexander.